

## SUMMARY OF CLEAN WATER AND FOREST INITIATIVE

*by SORFA*

The purpose of the Clean Water and Forest Initiative ("Initiative") is to protect San Diego County's most sensitive wilderness and open space lands from premature and unnecessary development. The Initiative does so by amending the San Diego County General Plan ("General Plan") to require voter approval before certain lands in the northern and eastern portions of the County, outside of country towns, can be developed for intensive urban uses. Without such curbs on sprawling development in these rural areas, agricultural and biological resources will diminish--just as water and air pollution will continue to increase, extending to our rivers and beaches. Without such direct voter action, urban and suburban sprawl, with its costly infrastructure and endless traffic jams, threatens to transform our County into another Los Angeles.

The Initiative amends the General Plan to establish a new Cornerstone Goal. Central to the Regional Land Use Element of the General Plan, this goal states: "Consistent with the Clean Water and Forest Initiative, ensure that intensive land use development does not occur outside of country towns in rural areas in northern and eastern San Diego County unless such development is approved by the voters."

In furtherance of this central goal, the Initiative amends the General Plan to establish a "Clean Water and Forest Overlay," limiting development on certain rural lands in the County's unincorporated area. Specifically, the CWF Overlay applies to all lands that, as of May [ ], 2003, satisfy the criteria in paragraph (1), (2), or (3) below:

- (1) Lands that (a) are within the Rural Development Area or Environmentally Constrained Areas regional categories; and (b) have a land use designation of Multiple Rural Use (18), Intensive Agriculture (19), or General Agriculture (20);
- (2) Lands that (a) are within the Estate Development Area regional category; and (b) have a land use designation of Multiple Rural Use (18) or Intensive Agriculture (19); and (c) are within any of the following SubRegional or Community Plan Areas: Fallbrook; Lakeside; Pala-Pauma; Pendleton-DeLuz; or  
*Rainbow; Ramona; Crest/Dehesa/Harblison Canyon/Granite Hills;*
- (3) Lands that (a) are within the Rural Development Area or Environmentally Constrained Areas regional categories; and (b) are privately held; and (c) have a land use designation of National Forest and State Parks (23).

Within the CWF Overlay, the Initiative establishes the following minimum parcel sizes:

- (1) Lands within Estate Development Areas: 40 acre minimum;
- (2) Lands within Rural Development Areas: 80 acre minimum;
- (3) Lands within Environmentally Constrained Areas, outside boundary of County Water Authority as of May 1998: 160 acre minimum;
- (4) Lands within Environmentally Constrained Areas, inside boundary of County Water Authority as of May 1998: 40 acre minimum.

Until December 31, 2023, the Initiative provides, as a general rule, that any General Plan amendment that would remove land from the CWF Overlay requires a vote of the people. At the same time, the Initiative provides the following limited exceptions:

- (1) The Board may amend the General Plan to: (a) increase minimum parcel sizes for lands within the CWF Overlay; (b) add lands to the CWF Overlay; or (c) reorder or renumber individual General Plan provisions in the course of ongoing updates.
- (2) The Board may amend the General Plan to remove land from the CWF Overlay, where denial of an amendment would constitute an unconstitutional taking;
- (3) The Board may amend the General Plan to remove land from the CWF Overlay where necessary to comply with state laws regarding the provision of housing for all economic segments of the community, provided that the Board makes certain specified findings. Among other things, the Board would have to find that no other land in the County is available to accommodate the proposed housing, and that the proposed housing is contiguous to already developed lands and roads;
- (4) Upon a 4/5ths vote, the Board may amend the General Plan to remove land from the CWF Overlay where it finds that the amendment will not cause adverse impacts on traffic, water supply, water quality, air quality, agricultural resources or biological resources; or adversely affect the stability of land use patterns in the area.

In addition, the Initiative adopts a number of "conforming" General Plan amendments, to ensure that all elements of the General Plan remains internally consistent. Moreover, in the event that the General Plan is amended after the Initiative is submitted to the County Election Official in a manner that conflicts with the Initiative's terms, the Initiative specifies that the General Plan must be further amended to conform to the Initiative.

The Initiative is designed to complement existing programs to protect endangered species and their habitat, including the Multiple Species Conservation Program. Projects with vested rights as of the effective date of the Initiative are exempt.